

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN CIRCUIT COURT
2009 TERM
CAUSE NO. 77C01-0910-CC-00384

OSCAR GUILLEN, SR.,)
Plaintiff)
)
VS.)
)
STEFANIE SARK, et. al.,)
Defendants)

FILED
IN CIRCUIT COURT

OCT 21 2009

Shirley Ann Pearson
Clerk, Sullivan Circuit Court

ORDER

Pursuant to I.C. 34-58-1-1, this Court has examined Plaintiff's Complaint and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and may not state a claim upon which relief may be granted for the following reasons:

1. Plaintiff has failed to provide proof to the Court that he has exhausted his administrative remedies before filing this cause of action. Plaintiff must have complied with the grievance process as a prerequisite to filing a lawsuit for claims of constitutional violations.
2. Further, the Court finds Plaintiff has failed to allege facts sufficient to prosecute this action against the Defendant named in his CIVIL RIGHT'S COMPLAINT pursuant to I.C. 34-13-3-5(c) nor has Plaintiff failed to establish liability given the qualified immunity that may protect the named Defendant.
3. Plaintiff has failed to provide the Court with adequate copies of his Complaint for service.
4. Plaintiff has filed numerous lawsuits against the same Defendants with very similar, if not the same, allegations. The Plaintiff is attempting to add a few new allegations to revive his previous lawsuits which were dismissed and the time limitations for appeal have expired.

Based on the foregoing, the Plaintiff's CIVIL RIGHT'S COMPLAINT is dismissed with prejudice.

SO ORDERED this 21st day of October, 2009.

P. J. Pierson

P. J. PIERSON, Judge
Sullivan Circuit Court



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